

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2/27/19

Committee Commerce

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

Kara Corches

Address of Witness:

(HOME)

PHONE

428 E. Capitol Ave.

(BUSINESS)

Jeff. City, MO 65101

573-634-3511

PHONE

Speaking (Please Check One)

For X

Against

Information Only

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Missouri Chamber of Commerce + Industry

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date Feb 27 2019

Committee Commerce

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

Ryan Rowden

Address of Witness:

(HOME)

PHONE

229 Madison St.

(BUSINESS)

S.C. Mo 65101

5B-~~440~~634-2981

PHONE

Speaking (Please Check One)

For

X

Against

Information Only

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Mo. Petroleum Council

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

Attached

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2-27-19

Committee Commerce

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

Daryl Duwe

Address of Witness:

(HOME)

PHONE

PO Box 1108

(BUSINESS)

573-353-9264

PHONE

Jefferson City MO 65102

Speaking (Please Check One) For X Against _____ Information Only _____

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Missouri Cable Telecommunications Association

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

good government

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date

2/27/19

Committee

COMMERCE

Bill No.

SB 293

Name of Witness: (PLEASE PRINT)

RIC TELTHORST

Address of Witness:

(HOME)

P.O. Box 785

PHONE

(BUSINESS)

JL, MO 65102

573-634-2527

PHONE

Speaking (Please Check One)

For

☒

Against

Information Only

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

MISSOURI TELECOMMUNICATIONS INDUSTRY ASSOCIATION

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

THE PROVISIONS OF THE BILL WILL HELP TO

PROTECT CRITICAL TELECOMMUNICATIONS INFRASTRUCTURE

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2/27/19

Committee Commerce

Bill No. SB 293 (House)

Name of Witness: (PLEASE PRINT)

Kurt Schaefer

Address of Witness:

314 E. 14th St
(HOME)

Albuquerque City

PHONE _____

(BUSINESS)

PHONE _____

Speaking (Please Check One) For ☒ Against _____ Information Only _____

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Southern Star Pipeline

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

Good Bill

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2/27/2019

Committee Commerce

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

David Winton

Address of Witness:

(HOME)

PHONE

Po Box 1805

(BUSINESS)

573 635 6092

PHONE

JC MO 65102

Speaking (Please Check One) For ☒ Against ☐ Information Only ☐

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Summit Utilities

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2-27-2014

Committee Sen Commerce

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

Jay Hahn

Address of Witness:

(HOME)

PHONE

727 Craig Rd
(BUSINESS)

314 996 2360
PHONE

St. Louis MO 63141

Speaking (Please Check One) For ☒ Against ☐ Information Only ☐

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

MO American Water

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

Great Bill, protect water intake, water treatment, and

pump stations

9853082

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2/27/19

Committee COMMERCE, ENERGY & ENVIRONMENT

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

ZACH POLLOCK

Address of Witness:

(HOME)

PHONE

PO Box 1645

(BUSINESS)

SC MO 65102

573-659-3415

PHONE

Speaking (Please Check One) For ☒ Against ☐ Information Only ☐

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

ASSN. OF MO ELECTRIC COOPERATIVES

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date

2/27/19

Committee

Commerce, Consumer Protection, Energy

Bill No.

SB 293

Name of Witness: (PLEASE PRINT)

Tom Crawford

Address of Witness:

(HOME)

PHONE

(BUSINESS)

PHONE

102 E High St

Jefferson City MO 65101

573.634.3388

Speaking (Please Check One)

For

X

Against

Information Only

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Mo Trucking Association

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date Feb 27 2019

Committee Commerce

Bill No. SB293

Name of Witness: (PLEASE PRINT)

Peter Barnes

Address of Witness:

(HOME)

PHONE

1800 M. Street NW Suite 400 North

202-814-5509

(BUSINESS)

PHONE

Wash. DC 20036

Speaking (Please Check One) For ☒ Against ☐ Information Only ☐

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

American Fuel & Petrochemical Manufacturers

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

General Support

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date Feb 27th 2019

Committee Commerce Consumer Protection

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

Tony BENZ

Address of Witness:

(HOME)

PHONE

(BUSINESS)

PHONE

573-301-2747

Speaking (Please Check One) For X Against _____ Information Only _____

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Missouri Agri-business Ass.

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date Feb 27 2017

Committee Commerce

Bill No. 293

Name of Witness: (PLEASE PRINT)

Sarah A. Torp

Address of Witness:

(HOME)

PHONE

P.O. Box 1865

(BUSINESS)

573-634-4876

PHONE

Jefferson City MO 65102

Speaking (Please Check One) For X Against _____ Information Only _____

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Missouri Railroad Association

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

Support protecting critical

389.653 RSMo -

Currently RR:

infrastructure such as rail line facilities

Class A misdemeanor trespass

unless damage then Class E Felony

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2-28-17

Committee Common

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

Robt. Arbach

Address of Witness:

(HOME)

PHONE

(BUSINESS)

PHONE

Speaking (Please Check One)

For

X

Against

Information Only

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Empire Liberty

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2/27/19

Committee Commerce

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

Trey Davis

Address of Witness:

(HOME)

PHONE

326 E. Capitol Ave

(BUSINESS)

Jeff City, MO 65107

637-8678

PHONE

Speaking (Please Check One)

For



Against

Information Only

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

MEBA

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

WITNESS APPEARANCE FORM

☐ SENATE

☐ HOUSE

Date 2/27/19

Committee Senate Commerce

Bill No. SB 293

Name of Witness: (PLEASE PRINT)

Guy Black

Address of Witness:

(HOME)

PHONE

221 Bolivar St., Ste. 101
(BUSINESS)
J.L., MD 65101

573-556-6620
PHONE

Speaking (Please Check One)

For X

Against

Information Only

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

TransCanada

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

Critical Infrastructure Protection Act

- Creates differentiation between trespass on everyday “buildings and occupied structures” and trespass on “critical infrastructure facilities” which keep our economy running and ensure public health & safety
- Enhances criminal penalties for a person convicted of willfully trespassing or entering property containing a critical infrastructure facility without permission by the owner of the property,
- Prescribes penalties for various types of “criminal trespass” which would a person liable for any damages to personal or real property while trespassing.
- Creates penalties for organizations conspiring with persons who willfully trespass and/or damage critical infrastructure sites and holds conspiring organizations responsible for any damages to personal or real property while trespassing.
- Intended to protect critical infrastructure operators, employees, landowners, citizens, and the environment.
- Intentional damage to critical infrastructure can result in environmental damage that requires clean-up operations which are largely borne by state and local governments or the operator rather than the person or organization committing the damage.
- Does not limit landowner property rights.

What Is A Critical Infrastructure Facility Under CIPA?

“[A]ny of the following, if completely enclosed by a fence or other physical barrier that is obviously designated to exclude intruders or if clearly marked with a sign... indicating entry is forbidden without site authorization”:

- | | |
|--|--|
| <ul style="list-style-type: none">• Natural gas distribution facilities• Natural gas compressor stations• LNG terminals & storage facilities• Crude oil or refined product storage & distribution facilities• Aboveground oil, gas, hazardous liquid or chemical pipelines• Gas processing plants• Petroleum or alumina refineries• Electrical power generating facilities• Electrical control centers• Electrical power lines• Water intake structures & treatment facilities | <ul style="list-style-type: none">• Wireless telecommunications infrastructure (central switching offices, cell towers, telephone poles and lines)• Assorted freight transportation facilities• Federally-licensed radio and TV facilities• Steelmaking facilities using electric arc furnaces• Chemical, polymer, or rubber manufacturing facilities• Facilities regulated by the Department of Homeland Security Anti-Terrorism Standards (CFATS) program• Dams regulated by federal and state governments |
|--|--|

WITNESS APPEARANCE FORM

☒ SENATE

☐ HOUSE

Date 2/27/19

Committee Commerce, Consumer Protection, ---

Bill No. 293

Name of Witness: (PLEASE PRINT)

Keith William Rose

Address of Witness:

1715 Seminole Ln

(HOME)

Godfrey, IL 62035

618-954-8151

PHONE

(BUSINESS)

PHONE

Speaking (Please Check One)

For

Against

☒

Information Only

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

National Lawyers Guild - St. Louis Chapter

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.

N/A

WITNESS APPEARANCE FORM

Date 2-27-2019

☒ SENATE

Committee Commerce Consumer Protection, E&EC

☐ HOUSE

Bill No. 293

Name of Witness: (PLEASE PRINT)

Mike Diehl

Address of Witness: 207 8th

(HOME)

Macon, MO

660-346-9576

PHONE

(BUSINESS)

PHONE

Speaking (Please Check One) For _____ Against X Information Only _____

Governmental Agency, Person, Business, Lobbyist, or Organization, if any, on whose behalf I am appearing:

Missouri Sienna Club

If written testimony is not provided, please summarize very briefly the testimony to be presented. Please attach a copy of a written statement if one is available.



SIERRA CLUB

MISSOURI CHAPTER

Missouri Chapter

2818 Sutton Blvd, Saint Louis, MO 63143

314-644-1011, 800-628-5333

missouri.chapter@sierraclub.org

www.sierraclub.org/missouri

February 27, 2019

Chair Wallingford and Members of the Missouri Senate Commerce, Consumer Protection, Energy and the Environment Committee,

The Sierra Club opposes Senate Bill 293. It is an obvious attempt to those who speak out against environmental degradation and corporate recklessness –doing so under the guise of national security.

SB 293 defines sixteen types of facilities as “critical infrastructure facilities” and sets penalties for “willful trespass on a critical infrastructure facility” and “willful damage to a critical infrastructure”, with a punishment for the last category of up to ten years in prison and a fine of up to \$10,000. The bill very broadly defines ‘critical infrastructure’ to include oil refineries, natural gas facilities and pipelines, railroad tracks, cell towers, and many other sites.

Also under this law, an organization could conceivably be liable for a fine up to \$100,000 for involvement in planning a protest at which trespassing occurred, even if no trespass was contemplated at the time of the planning. Whether or not charges are ever brought against an organization, the threat produces a chilling effect on the exercise of First Amendment rights to speech and assembly.

This bill is based on model policy developed by the American Legislative Exchange Council (ALEC) in response to racial justice and environmental protests across the country, including Standing Rock in North Dakota. This policy draws on two bills passed two years ago in Oklahoma that criminally penalize and fine anyone trespassing on “critical infrastructure,” and prescribe criminal penalties and financial liability for any “conspiring organizations” that assist protesters.

Section B of Chapter 569, RSMo justifies these changes by claiming that this act is necessary for “the immediate preservation of public health, welfare, peace and safety”. In reality if enacted into law SB 293 would threaten public health, welfare, peace and safety. Around two weeks ago St. Charles County suffered an oil spill between the Missouri and Mississippi River, spilling an estimated 1,800 gallons of crude oil from TransCanada’s Keystone oil pipeline. We are still learning the extent of the damage from the spill. Environmental groups, including the Sierra Club, opposed the construction of the pipeline when it was approved in 2010. We knew at the time that the pipeline was utilizing substandard steel. The pipeline should have never been approved. A successful effort to stop the pipeline would have protected public health, welfare, peace and safety of St. Charles County. This bill increases the risks for those trying to stop dangerous projects such as the one that recently polluted St. Charles County.

There are already Missouri laws addressing issues of trespassing and property damage. A bill to augment penalties for those who act out of opposition to dangerous energy infrastructure will protect companies like TransCanada at the expense of the people of Missouri.

Please reject SB 293.



February 27, 2019

Chairman Wallingford
Committee on Commerce, Consumer Protection, Energy and the Environment
201 W Capitol Ave., Rm. 221
Jefferson City, Missouri 65101

Re: Testimony Opposing Senate Bill 293

Dear Committee Members,

Missouri Coalition for the Environment (MCE) believes that we need a just and equitable transition toward a sustainable future in order to avoid the worst impacts of climate change. Senate Bill 293 sends a chilling message to organizations like MCE that want to see a habitable planet for current and future generations.

Senate Bill 293 creates the new offense of "willful critical infrastructure trespass" and defines "critical infrastructure facility" in a long list of public and private facilities, including oil and gas pipelines, water intake structures, water processing facilities, wastewater treatment plant, telephone poles and wires, railroad tracks, ports, and many more. It is not clear to MCE how Missouri's existing trespass and vandalism laws are insufficient to protect the list of sites deemed "critical infrastructure" facilities in the bill.

Existing Missouri law makes trespass a Class B misdemeanor, punishable by up to six months in jail and a \$1,000 fine. The bill creates a "willful critical infrastructure trespass" that is a Class A misdemeanor, punishable by up to one year in jail and a \$2,000 fine. The bill also applies to projects under construction, however, "under construction" is not defined. When does construction begin? Is it when a project is announced? Is it when a permit application is submitted? Is it when a permit is obtained? The new, higher penalty and inclusion of sites "under construction" is clearly targeted at individuals who engage in nonviolent civil disobedience even though Missouri already has laws related to trespassing. Again, MCE is not clear how existing laws are failing to protect public and private property in our state.



To be clear, MCE does not endorse violence or property damage. That is why we are concerned any organization, ours included, could be found a "conspirator" if an individual is convicted of one of the offenses established in the bill, resulting in a fine for an organization ten times that levied on the convicted individual. Organizational fines range from \$10,000 to \$100,000 in the proposed bill. Missouri's "conspiracy" provision captures a wide range of possible relationships between an individual and an organization. This language gives pause to organizations that engage in protests as they will now have to consider the risks of an individual acting in a manner that could lead to conspiracy charges against the organization.

When visiting Senator Hough's office to discuss the bill, his legislative staff provided no examples of how existing laws have failed to protect so-called "critical infrastructure" facilities listed in the bill. This makes an emergency clause to be enacted for the "immediate preservation of the public health, welfare, peace and safety" completely unnecessary, just like the bill itself.

Please vote no on Senate Bill 293.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Smith", with a long horizontal flourish extending to the right.

Ed Smith
Policy Director
Missouri Coalition for the Environment
3115 Grand Blvd., Ste. 650
St. Louis, MO 63118



February 22, 2019

Chairman Wayne Wallingford
Members of the Senate Committee on Commerce, Consumer Protection, and Energy and the Environment
201 W Capitol Ave.
Room 221
Jefferson City, MO 65101

RE: SB 293 (Critical Infrastructure) - SUPPORT

Dear Chairman Wallingford:

On behalf of the American Chemistry Council (ACC), I am writing to express our support for SB 293, which seeks to establish new penalties for causing a substantial impairment of a critical infrastructure facility by damaging equipment or preventing the construction or repair of a critical infrastructure facility, which includes chemical manufacturing facilities.

ACC represents companies engaged in the business of chemistry—an innovative, \$768 billion enterprise that is helping solve the biggest challenges facing our nation and the world. In Missouri, the business of chemistry provides 19,183 direct jobs and another 28,490 related jobs, generating approximately \$235 million in state and local taxes.

ACC and its member companies are dedicated to safeguarding our employees, our contractors and the people who live and work around our operations. This commitment is demonstrated through ACC's Responsible Care® program and our industry's performance to continually enhance safety and security. Over the past decade, ACC members have invested more than \$17 billion to enhance security measures.

Chemical manufacturers across the country transform raw materials into products that are critical to the everyday health and welfare of our nation. Chemical security is a top priority for ACC and its members because of the industry's critical role in the U.S. economy, and our responsibility to our employees and our communities.

SB 293 seeks to establish criminal penalties for damaging or interfering with the operation of a designated critical infrastructure facility, including a chemical manufacturing facility. ACC believes this legislation is necessary to help ensure the safety of this important part of our country's critical infrastructure. The bill will impose penalties for violation of this law -- a class C felony if the actor engages in the conduct intentionally, a class A misdemeanor if the actor engages in the conduct knowingly or recklessly, or otherwise a class B misdemeanor.

Added protection for critical infrastructure facilities is an important public policy objective. The interference with or destruction of these facilities can potentially have a debilitating effect on the nation's safety and security. Thank you for the opportunity to comment on this important piece of legislation. Should you have any questions or concerns, please do not hesitate to contact me at (770) 421-2991 or by email at Michael.Power@americanchemistry.com

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Power".

Michael Power
Senior Director, Southeastern Region, State Affairs
American Chemistry Council

